

Atty's Dkt: SAGAWA5

In re Application of:
Hiroaki SAGAWA et al.
Serial No. 10/567,731
IA Filing Date: August 10, 2004
For: METHODS OF DEGRADING dsRNA AND...

) Application Division
) ATTN: PCT
) Washington, D.C.
) Confirmation No. 7707
) Date: October 10, 2006

LATE SUBMISSION OF DECLARATION AND/OR TRANSLATION IN APPLICATION FILED UNDER 35 USC 371

U.S. Patent and Trademark Office
Customer Service Window
Randolph Building, Mail Stop Missing Parts
401 Dulany Street
Alexandria, VA 22314

Sir:

The present communication is in response to the "NOTICE OF MISSING REQUIREMENTS UNDER 35 USC 371..." dated August 8, 2006. Attached hereto is/are:

- ☐ An executed oath or declaration in compliance with 37 C.F.R. 1.63, identifying the present application by title and priority information.
- ☐ An exact English language translation of the PCT application as originally filed.
- ☐ Exact English language translation of the Annexes to the International Preliminary Examination Report containing substitute pages ____ of the specification and new claims ____ to be used for examination.
- ☐ A Preliminary Amendment ☐ Fees are reduced due to elimination of claim multiple dependencies.
- [XX] Petition and Response to Missing Requirements with copy of post card
- [XX] Submission of Sequence Listing Disk and Statement.
- [XX] An Information Disclosure Statement with 08A- 1449 and 1 references.
- ☐ Additional fees as calculated below:

Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).		\$	
Number of each additional 50 pages or fraction thereof (round up to a whole number)		RATE	
		X \$250.00	
Number of Claims Previously Paid For	Number of Extra Claims	Rate	
28- 28 =	0	X \$ 50.00	\$0.00
3- 3 =	0	X \$200.00	\$0.00
Multiple Dependent Claims (if applicable)		+ \$360.00	\$
TOTAL OF ABOVE CALCULATIONS			\$0.00
Reduction of 1/2 for filing by small entity, if applicable. Applicant claims small entity status. See 37 CFR 1.27.			<\$ >
SUBTOTAL			\$0.00
Processing fee of \$130.00 for late furnishing of the English translation.			\$
TOTAL NATIONAL FEE			\$0.00

- ☐ Surcharge for late filing of the Declaration was paid on ____.
- ☐ It is hereby petitioned for an extension of time in accordance with 37 C.F.R. 1.136(a). The appropriate fee required by 37 C.F.R. 1.17 is calculated as shown below:

Small Entity		
Response Filed Within		
<input type="checkbox"/> First	-	\$ 60.00
<input type="checkbox"/> Second	-	\$ 225.00
<input type="checkbox"/> Third	-	\$ 510.00
<input type="checkbox"/> Fourth	-	\$ 795.00
<input type="checkbox"/> Fifth	-	\$1,080.00

month after time period set

Other Than Small Entity		
Response Filed Within		
<input type="checkbox"/> First	-	\$ 120.00
<input type="checkbox"/> Second	-	\$ 450.00
<input type="checkbox"/> Third	-	\$1,020.00
<input type="checkbox"/> Fourth	-	\$1,590.00
<input type="checkbox"/> Fifth	-	\$2,160.00

month after time period set

- ☐ Total fees enclosed: \$.00
- ☐ Credit Card Payment Form, PTO-2038, authorizing payment the amount of \$.00 is enclosed to cover the above fees.
- [XX] Conditional Petition for Extension of Time:
If any extension of time for a response is required, applicant requests that this be considered a petition therefor.
- [XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR 1.16 and all patent processing fees under 37 CFR 1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR 1.18.

BROWDY AND NEWMARK, P.L.L.C.
Attorneys for Applicant(s)

By:

Allen C. Yun
Registration No. 37,971

AoyB.

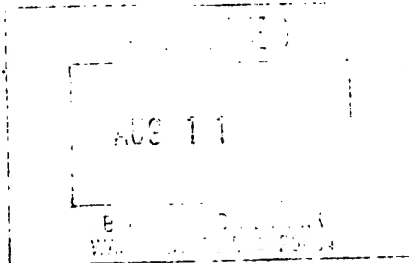


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/567,731	FIRST NAMED APPLICANT Hiroaki Sagawa	ATTY. DOCKET NO. SAGAWAS
---	---	-----------------------------

001444
 BROWDY AND NEIMARK, P.L.L.C.
 624 NINTH STREET, NW
 SUITE 300
 WASHINGTON, DC 20001-5303



INTERNATIONAL APPLICATION NO. PCT/JP04/11480	
I.A. FILING DATE 08/10/2004	PRIORITY DATE 08/14/2003

CONFIRMATION NO. 7707
 371 FORMALITIES LETTER



OC000000019935202

Date Mailed: 08/08/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 02/10/2006
- English Translation of the IA filed on 02/10/2006
- Copy of the International Search Report filed on 02/10/2006
- Preliminary Amendments filed on 02/10/2006
- Information Disclosure Statements filed on 05/09/2006
- Request for Immediate Examination filed on 02/10/2006
- U.S. Basic National Fees filed on 02/10/2006
- Priority Documents filed on 02/10/2006
- Specification filed on 02/10/2006
- Claims filed on 02/10/2006
- Abstracts filed on 02/10/2006
- Paper Computer Listings filed on 02/10/2006

MSP/SEQ = 080C2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

10/13/2006 ATRAN1 00000072 024035 10567731

01 FC:1617 130.00 DA

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130 Surcharge.**
- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.** Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov**

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/567,731	PCT/JP04/11480	SAGAWA5

FORM PCT/DO/EO/905 (371 Formalities Notice)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	ATTY'S DKT: SAGAWA5
Hiroaki SAGAWA et al.)	
)	
)	
Appln. No.: 10/567,731)	
)	Washington, D.C.
Filed: August 10, 2004)	
)	October 10, 2006
For: METHODS OF DEGRADING dsRNA)		
AND SYNTHESIZING RNA)	Attn: PETITIONS

**PETITION AND RESPONSE TO NOTIFICATION
OF MISSING REQUIREMENTS**

Honorable Commissioner of Patents
Washington D.C. 20231

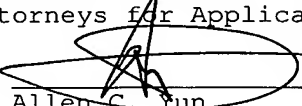
Sir:

Applicant is in receipt of the Notification of Missing Requirements, mailed August 8, 2006, which indicates that Oath or declaration of the inventors is required. It is respectfully submitted that the Oath or declaration of the inventors was filed with the application on February 10, 2006. As evidence of said filing attached please find a copy of the return postcard date-stamped by the PTO Mail Room as having been timely received by the PTO on February 10, 2006.

A postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt of the PTO of all items listed there on the date stamped thereon by the PTO.

If any fees are necessary, please charge to the deposit account of the undersigned (02-4035).

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant

By 
Allen C. Yun
Registration No. 37,971

FILED: Feb. 10, 2006
APPLICANT(S): H. Sagawa et al.

AUTD

DOCKET NO.: SAGAWA 5
PCT APPLN. NO.: PCT/JP2004/011480

THE PATENT AND TRADEMARK OFFICE STAMP HEREON
ACKNOWLEDGES RECEIPT OF THE ABOVE-IDENTIFIED
APPLICATION, INCLUDING THE FOLLOWING PAPERS:

☒ FEES \$ 1550
☒ (ch.# PT02038)

- ☐ PCT APPLICATION
- ☐ TRANSMITTAL LETTER REQUEST
 - ☐ FEE CALCULATION SHEET
 - ☐ SPECIFICATION (_____ pages)
 - ☐ DRAWINGS (_____ sheets; _____ figures)
 - ☐ SEQUENCE LISTING ☐ WITH DISK
 - ☐ APPOINTMENT OF AGENT
 - ☐ PCT EASY DISKETTE
 - ☐ INVITATION TO CORRECT DEFECTS
 - ☐ REQUEST FOR RECTIFICATION
 - ☐ DEMAND FOR CHAPTER II
 - ☐ ARTICLE 34 AMENDMENTS
 - ☐ RESPONSE TO WRITTEN OPINION
- ☒ U.S. NATIONAL PHASE OF INTERNATIONAL APPLICATION
- ☒ TRANSMITTAL LETTER
 - ☒ DECLARATION (2 pages)
 - ☒ APPLICATION DATA SHEET
 - ☒ PRELIMINARY AMENDMENT
- ☐ OTHER _____

10/567731

AP3 Rec'd PCT/PTO 10 FEB 2006

- ☐ SUPPLEMENTAL PRELIMINARY AMENDMENT
- ☐ INFORMATION DISCLOSURE STATEMENT (_____ pages)
 - ☐ FORM 1449 (_____ pages)
 - ☐ _____ PATENTS AND/OR PRINTED PUBLICATIONS
- ☒ SEQUENCE LISTING ☐ WITH DISK
- ☒ COURTESY COPY:
 - ☒ SPECIFICATION (92 pages)
 - ☐ DRAWINGS (_____ sheets; _____ figures)
- ☒ 1ST PAGE INTERNATIONAL PUBLICATION
- ☒ INTERNATIONAL SEARCH REPORT
 - ☐ IPER ☐ WITH ☐ WITHOUT ANNEXES
- ☒ ENGLISH LANGUAGE TRANS OF SPECIFICATION AS FILED
- ☐ ENGLISH LANGUAGE TRANS OF ANNEXES TO IPER
- ☐ SUBSTITUTE SPECIFICATION